

*Rogers et al. v. U.S. Dept. of Health and Human Servs., et al.*

# Exhibit F

**to Governor Henry McMaster's and Michael Leach's Motion for Summary Judgment and  
Memorandum in Support Thereof**

**Excerpts from Deposition of Reid Lehman**

Page 1

1                   UNITED STATES DISTRICT COURT  
2                   DISTRICT OF SOUTH CAROLINA  
3                   GREENVILLE DIVISION

4                   EDEN ROGERS

5                   and

6                   BRANDY WELCH,

7                   Plaintiffs,

8                   vs.                   CASE NO. 6:19-CV-01567-JD

9                   UNITED STATES DEPARTMENT OF HEALTH AND HUMAN  
10                  SERVICES; ALEX AZAR, in his official capacity as  
11                  Secretary of the UNITED STATES DEPARTMENT OF HEALTH  
12                  AND HUMAN SERVICES; ADMINISTRATION FOR CHILDREN AND  
13                  FAMILIES; LYNN JOHNSON, in her official capacity as  
14                  Assistant Secretary of the ADMINISTRATION FOR  
15                  CHILDREN AND FAMILIES; STEVEN WAGNER, in his  
16                  official capacity as Principal Deputy Assistant  
17                  Secretary of the ADMINISTRATION FOR CHILDREN AND  
18                  FAMILIES; HENRY MCMASTER, in his official capacity  
19                  as Governor of the STATE OF SOUTH CAROLINA;  
20                  and MICHAEL LEACH, in his official capacity as  
21                  State Director of the SOUTH CAROLINE DEPARTMENT OF  
22                  SOCIAL SERVICES,

23                  Defendants.

24                  VIDEOTAPED VTC

25                  30(b) (6)

DATE:                 MIRACLE HILL MINISTRIES, INC.  
TIME:                 BY: REID DAVID LEHMAN  
LOCATION:             (Appearing by VTC)

DATE:                 June 17, 2021

TIME:                 9:20 AM

LOCATION:             Haynsworth, Sinkler, Boyd  
                           1 North Main Street, 2nd Floor  
                           Greenville, SC

TAKEN BY:             Counsel for the Plaintiffs

REPORTED BY:         Susan M. Valsecchi, RPR, CRR  
                           Certified Realtime Reporter  
                           (Appearing by VTC)

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1           Region 1 when it comes to private CPAs?

2           A.     I'm sorry, I didn't hear your question.

3           Q.     Are you familiar with the term Region 1  
4           as that relates to private CPAs in South Carolina?

5           A.     I am familiar with Region 1, but the  
6           regions have changed over time, so I don't know if  
7           what I'm thinking of as Region 1 is what you're  
8           thinking of as Region 1.

9           Q.     Well, Maybe -- why don't you tell me  
10          what you're thinking of as Region 1.

11          A.     The last time I paid attention to DSS's  
12          classification of Region 1, it was ten Upstate  
13          counties centered around the northwest corner of  
14          South Carolina.

15          Q.     And this was a region -- this is DSS's  
16          classification for regions where CPAs are located;  
17          is that right?

18          A.     Yes, I think so.

19          Q.     Do you understand Miracle Hill to serve  
20          Region 1?

21          A.     That's our desire, yes.

22          Q.     Does Miracle Hill have certain criteria  
23          regarding the individuals that it chooses to work  
24          with as potential foster parents?

25          A.     It does.

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1 Q. And what are those criteria?

2 A. Well, they include all the criteria  
3 expected by the Department of Social Services,  
4 licensing, screening, training, vetting, securing  
5 references.

6 In addition, Miracle Hill has other  
7 requirements because of our spiritual identity.  
8 And in that respect, we ask that those we partner  
9 with are active followers of Jesus Christ, are  
10 Christians, and subscribe to and act in accordance  
11 with our doctrinal statement.

12 MS. SCHINDEL: All right. Can we take  
13 a look at --

14 So, Mr. Matthews, would you like me to  
15 say it by the Bates number? Would that enable you  
16 to identify the document easily?

17 MR. MATTHEWS: Yes, If it's a  
18 Bates-numbered document, that should be easy to find  
19 that way.

20 MS. SCHINDEL: Okay. So this is  
21 Miracle Hill Subpoena 000375.

22 And, Serena, could you please mark Tab  
23 63 as an exhibit.

24 THE WITNESS: 0-0-0...

25 (EXHIBIT 2, Miracle Hill Ministries

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1 interview that they conduct and their assessment of  
2 that person's lifestyle?

3 A. So if someone said to me that I have --  
4 I have experienced same-sex attraction, but I agree  
5 with your doctrinal statement and I'm living in  
6 celibacy and purity, we would be glad to work with  
7 them as a foster parent.

8 If someone said to me --

9 Q. If --

10 A. I'm sorry?

11 Q. No, no, go on. My apologies.

12 A. If someone said to me I struggle with  
13 my gender identity, but I am -- I agree with your  
14 doctrinal statement and I'm living according to the  
15 gender I received at birth, we would be glad to  
16 work with them as a foster parent.

17 Q. And what if someone -- to meet your  
18 terminology -- was experiencing same-sex attraction  
19 and were in a same-sex marriage, would you be  
20 willing -- and were willing to sign the doctrinal  
21 statement -- would you be willing to work with that  
22 person?

23 A. No, because that's a violation of our  
24 Bible -- Biblical statement on what marriage is.

25 Q. To your knowledge, how many families

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1           Q. And so let's focus, for now, on the  
2 foster care column. What exactly is the funding  
3 for?

4           A. So it is -- it helps defray a part of  
5 the cost of our supporting the foster families that  
6 we -- that we have at Miracle Hill. So the foster  
7 families receive payments from DSS. As you can  
8 see, in 2017 and 2018, those payments flowed to us,  
9 and then we gave them to the foster families.

10           In 2019 they shifted -- they shifted  
11 somewhere during 2019, so they paid the foster  
12 families directly, and they gave us a  
13 10-dollar-per-family-per-day administrative fee.  
14 No, I think it was a 10-dollar-per-child-per-day  
15 administrative fee, which helped defray almost half  
16 the costs of our workers going to meet with the  
17 family, provide them monthly support, helping them  
18 keep their license, providing ongoing training,  
19 things like that.

20           I will point out that nowhere in this  
21 column is there any reimbursement for our costs of  
22 recruiting foster families. So from the time they  
23 apply until they're qualified as a foster family,  
24 Miracle Hill carries all of that expense, which is  
25 about 2,000 dollars per family the last time I saw

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1 a calculation.

2                   And in addition, we maintain the  
3 families. We don't receive any reimbursement until  
4 we actually have a child in their home. So if a  
5 family is not able to receive children right now,  
6 or if they need some time off because of an illness  
7 or something they're experiencing, Miracle Hill is  
8 still supporting the family, but we're not  
9 receiving any payments from DSS for having them as  
10 a licensed family.

11 Q. Well, you're receiving 10 dollars per  
12 child per day for children who are in foster care  
13 with families that were licensed through Miracle  
14 Hill; is that right?

15 A. That's -- that's correct, only as long  
16 as they're in -- as those families are under the  
17 Miracle Hill umbrella. If those families move to  
18 work with another agency -- and sometimes they  
19 do -- then the payments would -- we would not  
20 receive any payments for their ongoing service.

21 Q. But that funding, is there any  
22 limitation on what you can apply those dollars to?

23 A. I don't think there's a limitation on  
24 what we can apply it to, but, historically, that 10  
25 dollars per child per day was just half of the cost

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1       of our supporting the family and there was no  
2       question whether there would be anything left over  
3       for Miracle Hill administrative, you know,  
4       back-office costs, or the recruiting costs.

5           Q. Alternatively, you could just say that  
6       that 10 dollars is helping to defray some of those  
7       recruiting costs because it's not --

8           MR. COLEMAN: Object to the form.

9       BY MS. SCHINDEL:

10          Q. -- it's not tethered to anything.

11           MR. COLEMAN: This is Miles. I object  
12       to the form of the question.

13       BY MS. SCHINDEL:

14          Q. It's just 10 dollars per day per child  
15       that you have in care without any limitations of  
16       what you can apply those 10 dollars toward?

17          A. No, I would not agree with that because  
18       it's clear, in our agreement with the Department of  
19       Social Services, we get nothing for recruiting.

20           And because it's less than half the  
21       cost of supporting the family, I think it would be  
22       ludicrous to say that it's helping to cover the  
23       cost of recruiting families.

24          Q. The total care, this includes state and  
25       federal funding; is that right?

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1 just didn't want to number it improperly.

2 (EXHIBIT 31, Extract from SCDSS prod  
3 (MHM foster parent handbook), was marked for  
4 identification.)

5 MR. COLEMAN: It appears that the  
6 document has now been introduced. We'll wait just  
7 a minute to let everybody else pull up a copy of  
8 it. Since you don't have Exhibit Share, there's a  
9 hardcopy of it.

10 THE WITNESS: I don't.

11 MR. COLEMAN: For the sake of the  
12 record, I'll mention that because Mr. Lehman  
13 doesn't have Exhibit Share in front of him, what I  
14 have given him just now is a hardcopy that's  
15 identical to the PDF I just uploaded as Exhibit 31,  
16 which is Bates-numbered on the first page as  
17 10545-B, as in bravo, -081, and it runs through 69  
18 pages, the final page of which is numbered  
19 10545-B-148.

20 All right. I think everyone should  
21 have had a chance to get it pulled up on their  
22 screen, so why don't we talk about this for just a  
23 minute.

24 BY MR. COLEMAN:

25 Q. Looking at the first page of this

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1           document -- and let me -- let me pause.

2                   Do you want a chance to flip through it  
3           a little bit more thoroughly?

4           A.     No.

5           Q.     Okay.

6           A.     We will go wherever you want.

7           Q.     Looking at the first page, do you  
8           recognize what this document is?

9           A.     Yes, I do.

10          Q.     And what is it?

11          A.     It's the Miracle Hill Ministries Foster  
12          Parent Handbook.

13          Q.     Is this the handbook or the policies  
14          that would apply to -- I'll call it colloquially  
15          the CPA side of the house?

16          A.     That's correct.

17          Q.     So foster parents who are affiliated  
18          with Miracle Hill that are in Miracle Hill's role  
19          as CPA would be given a copy of this?

20          A.     That's correct.

21          Q.     And this would outline the policies  
22          that they're expected to be aware of and to follow?

23          A.     That's correct.

24          Q.     Down at the bottom of that first page,  
25          it shows several dates in which this document was

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1                   revised. The most recent and latest of which was  
2                   May of 2018.

3                   Do you know if this document has been  
4                   revised since then?

5                   A. I do not know.

6                   Q. Okay. It may or may not have been, you  
7                   just are unaware?

8                   A. I'm unaware.

9                   Q. But at least as of 2018, it would have  
10                  been the current, correct, and operative document?

11                  A. That's correct.

12                  Q. Turn with me, if you would, to Page 35.  
13                  And just for ease of reference, I'm using the page  
14                  numbers as they're labeled in the bottom right  
15                  corner of the document rather than the clunkier  
16                  Bates numbers.

17                  A. Yes.

18                  Q. You will see at the top of that page,  
19                  all capital letters, a bold-faced heading, it says:  
20                  Expression of Religious or Spiritual Beliefs  
21                  Policy.

22                  Is that correct?

23                  A. Correct.

24                  Q. I want to particularly look at the  
25                  second of the three bullet points. I'm going to

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1       read that out loud and ask you to follow along with  
2       me.

3                 It says, and I quote: Miracle Hill is  
4       aware that religion is a personal matter and  
5       encourages families to be sensitive to the  
6       spiritual needs of each child and biological  
7       family, while avoiding anything that might be  
8       considered as coercion to accept a particular set  
9       of belief.

10               Closed quote.

11               Did I read that accurately?

12               A.    You did.

13               Q.    And does that reflect the expectation  
14       or the standard that you have for foster families  
15       working with Miracle Hill in its capacity as a CPA?

16               A.    It does.

17               Q.    And is that --

18               MS. SCHINDEL: Object to the form.

19       BY MR. COLEMAN:

20               Q.    And is that also consistent with what I  
21       believe was your testimony earlier, which was that  
22       children who wish to participate in religious  
23       activity or exercise are welcome to and children --

24               MS. SCHINDEL: Objection --

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1 BY MR. COLEMAN:

2 Q. -- who do not or whose biological  
3 parents do not want them to are not forced to and  
4 are excused from such participation?

5 A. Yes.

6 MS. SCHINDEL: Objection.

7 BY MR. COLEMAN:

8 Q. Turn with me now to Page 46 of the  
9 document, and let me know once you have gotten  
10 there.

11 A. Okay.

12 Q. Let's go first to number 3 on this  
13 numbered list. Let me take a step back, actually.

14 So at the top of this page in all  
15 capital bold-faced text, it says, Children's  
16 Rights & Responsibilities, right?

17 A. Yes.

18 Q. And then there's a subheading under  
19 that, capital letter A, Children's Rights While in  
20 Care, right?

21 A. Correct.

22 Q. Now let's look at number 3 under that.  
23 I'm going to read it and ask you to follow along  
24 with me.

25 Quote, All children shall be provided

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1       with an opportunity for spiritual development and  
2       will not be denied the right to practice religious  
3       beliefs.

4                          Closed quote.

5                          Did I read that correctly?

6           A.    You did.

7           Q.    If a child in foster care and placed in  
8       a foster home affiliated with Miracle Hill was of a  
9       different religious belief, not Christian, let's  
10      say Jewish, Muslim, Sikh, Rastafarian, or whatever  
11      the case may be, would they be -- would that child  
12      be permitted to practice his or her religious  
13      beliefs and exercise while in that home?

14       A.    Yes.

15       Q.    If such a child -- and let's use the  
16      example of a Muslim child.

17                          If such a child, in order to practice  
18      his or her religious beliefs, needed -- needed to  
19      attend mosque, would that child be allowed to  
20      attend mosque?

21       A.    Yes.

22       Q.    How would the child get there?

23       A.    I don't know.

24       Q.    Would the foster home or the foster  
25      family caring for that child, could they

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1 provide -- could they themselves transport the  
2 child there?

3 A. They could.

4 Q. Do you know --

5 MS. SCHINDEL: Objection, leading.

6 BY MR. COLEMAN:

7 Q. Do you know of any instances -- and  
8 I'll ask this question more broadly; it doesn't  
9 have to be with any one particular faith -- in  
10 which children of other faiths have been placed  
11 into a foster home affiliated with Miracle Hill who  
12 have engaged in or practiced faiths other than the  
13 Christian faith?

14 A. I have been told that that is true, but  
15 I don't have any specific examples to say how that  
16 is true.

17 Q. Okay. But you've been told by others  
18 that it is true?

19 A. Correct.

20 MS. SCHINDEL: Object, leading.

21 BY MR. COLEMAN:

22 Q. Let me look next at -- on that same  
23 page, the next numbered item, Number 4, and I'll  
24 read it and ask you to follow along.

25 Quote, All children shall be free from

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1 coercion by foster parents or staff with regard to  
2 religious or cultural decisions. When practical,  
3 the wishes of the birth parents with regard to a  
4 child's religious and cultural participation are  
5 ascertained and followed.

6 Closed quote.

7 Did I read that correctly?

8 A. You did.

9 Q. And does that -- again, is that  
10 consistent with your earlier testimony, that  
11 children are not -- let me be more clear -- that  
12 children in foster care, living in a home, a foster  
13 home affiliated with Miracle Hill, are not  
14 compelled, coerced, required, or in any way  
15 pressured to engage in or participate in a faith  
16 not their own or a faith that they have no interest  
17 in learning about or participating in?

18 A. That's correct.

19 MS. SCHINDEL: Objection, leading.

20 I'm sorry, you may want to give me a  
21 second to object if we're going to be doing a  
22 series of leading questions.

23 So objection, leading.

24 BY MR. COLEMAN:

25 Q. Turn with me now, if you would, to

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1       Page 59 of this document.

2                   At the top of this page it says, again,  
3       in all capital letters, bold text: Miracle Hill  
4       Ministries Foster Care Program Description.

5                   Is that right?

6       A.   That's right.

7       Q.   Below that it has several outline  
8       headings. Outline heading Roman Numeral III says  
9       Philosophy, right?

10      A.   Yes.

11      Q.   In the third paragraph under heading  
12     III, Philosophy, it begins with the words, Children  
13     do not...

14                  I'm going to read that and ask you to  
15     follow along.

16                  It says, quote, Children do not have to  
17     conform to our system. We will conform to the  
18     needs of children.

19                  Closed quote.

20                  Did I read that correctly?

21      A.   Yes. Yes, sir.

22      Q.   And, again, is that consistent with  
23     your prior testimony regarding the lack of  
24     coercion, pressuring, or other -- otherwise  
25     proselytizing children in foster care?

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1 A. That's correct.

2 MS. SCHINDEL: Objection, leading.

3 BY MR. COLEMAN:

4 Q. And, finally, flip over just one more  
5 page. This is Page 60. We're still under the same  
6 outline heading we were looking at just moments  
7 ago.

8 The third full paragraph down begins  
9 with the words, Each child....

10 Do you see where I'm looking at?

11 A. I see it.

12 Q. All right. I'm going to read that.

13 It says, quote, Each child is treated  
14 lovingly, respectfully, and without regard for  
15 race, color, religion, sex, national origin, or  
16 sexual orientation.

17 Closed quote.

18 Did I read that direct correctly?

19 A. You did.

20 Q. And is it true, to the best of your  
21 knowledge, both as Miracle Hill's official  
22 representative here today, and your own personal  
23 knowledge for many years there, that Miracle Hill  
24 does not now and has not ever discriminated or  
25 treated any child in foster care differently on the

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1 basis of those factors?

2 A. That is my --

3 MS. SCHINDEL: Objection.

4 THE WITNESS: -- firm belief.

5 I think that it was always the case,  
6 and, certainly, I think it is the case today.

7 I apologize to you and Ms. Schindel for  
8 not being fully familiar with the contents of the  
9 current manual, but this manual reflects the  
10 philosophy of Miracle Hill and our approach to  
11 foster children.

12 MR. COLEMAN: Okay.

13 MS. SCHINDEL: I apologize, I do want  
14 my -- I'm seeing on realtime that my full objection  
15 is not getting caught.

16 So, Mr. Lehman, if you would just pause  
17 for one second before you answer these questions, I  
18 think that will -- that will make it easier for the  
19 court reporter.

20 THE WITNESS: Thank you, I will try.

21 BY MR. COLEMAN:

22 Q. The document we just looked at had to  
23 do with Miracle Hill's CPA program, right?

24 A. Yes.

25 Q. And the document we looked at hours

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1       your personal capacity -- that Miracle Hill's  
2       recruiting and screening practices are not now and  
3       have never been funded, reimbursed, or supported by  
4       the state or federal government; is that correct?

5                  MS. SCHINDEL: Objection. Objection,  
6       leading, and mischaracterizes testimony.

7                  THE WITNESS: So let me say that again.  
8                  And you're welcome to ask a follow-up  
9       question.

10                 So for all of the time that I was  
11       involved in '17, '18, '19, and '20, we never  
12       received enough -- never more than about half of  
13       our administrative costs. And we were paid only  
14       for placing children in families, per child per  
15       day.

16                 So when we recruited a family, which  
17       costs about 2,000 dollars per family to recruit,  
18       train, license, screen, do everything else, that  
19       was completely at our own expense. As far as I  
20       know, that is still the intent.

21                 The DSS payment unexpectedly went up  
22       for us and other agencies at the beginning of this  
23       year. So can I say for certain that -- at this  
24       very moment -- that no DSS money would be -- exceed  
25       the cost of administration? I can't say that. I

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1 Q. How many foster families does Miracle  
2 Hill work with?

3 A. Um, I don't know. Um, I think that we  
4 have about 200 licensed today. I think that we  
5 have about -- we have more than a hundred, I know,  
6 that have children with them right now, and I think  
7 we have 140 children placed with those families,  
8 but some of them have more than one child placed  
9 with them.

10 Q. So you are confident that a hundred  
11 families, based on the conversations that you've  
12 had and information you have, 100 families would  
13 refuse to work with another CPA or refuse to work  
14 with DSS if they were -- if Miracle Hill was unable  
15 to serve as a --

16 MR. COLEMAN: This is Miles.

17 MS. SCHINDEL: -- as a CPA.

18 MR. COLEMAN: Object to the form of the  
19 question.

20 THE COURT REPORTER: I didn't hear the  
21 end of the question.

22 BY MS. SCHINDEL:

23 Q. I believe the end of the question was,  
24 if Miracle Hill was unable to serve as a CPA, or  
25 unwilling to serve as a CPA.

1           A. I think my estimate was 30 to  
2       50 percent. So my belief is that 60 to 100 CPAs,  
3       would now or soon cease serving as foster families  
4       if Miracle Hill was not able to be the support  
5       system for them.

6           Now, I also said that when you talk to  
7       Sharon, she'll have a better estimate, and I would  
8       trust her estimate over mine.

9           Q. Because your estimate is more of a  
10      guess?

11          A. No, because Sharon is the one that  
12       helped me form my estimate, and I think that she --  
13       she would be able to have a more accurate estimate  
14       than I would.

15          Q. We had talked earlier about -- way back  
16       in the beginning of this deposition -- about how  
17       you thought that more than 15 individuals had been  
18       turned away as prospective foster parents by  
19       Miracle Hill; do you recall that?

20          A. Yes.

21          Q. Why were those individuals turned away?

22          A. You will have to ask Sharon.

23          Q. Do you have any personal knowledge of  
24       those 15 individuals that you mentioned earlier?

25          A. Well, no, I don't know -- I've not, as